

Applicant : Neil H. Bander
Serial No. : 09/357,709
Filed : July 20, 1999
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Attorney's Docket No.: 10448-184003 / MPI1996-
037P2RDV1B(RCE); CRF D-1912K

REMARKS

Claims 68-77, 79-81, 84, 86, 88, 90, 92, 94, 107, 111, 112, 114, 116-128 and 130-152 are pending. Claims 85, 87, 89, 91, 93, 95, 113 and 115 have been canceled. Claim 133 and 143 have been amended. Support for the amendments to the claims can be found in the application as originally filed.

The specification has also been amended to obviate the Examiner's objections. No new matter was added.

Response to Restriction Requirement

The Examiner asserts that claims 133-142 "are directed to an invention that is independent or distinct from the invention as originally claimed." Specifically, the Examiner states that "the new claims are broadly drawn to detecting benign hyperplasia *in any tissue*."

Claim 133 has been amended to recite "benign hyperplastic prostate cells", thereby obviating this restriction requirement.

Claim Objections

Claims 85, 87, 89, 91, 93 and 95 are "objected to under 37 CFR 1.75(c), as being of improper dependent form." These claims have been cancelled, thereby obviating this objection.

Rejection of Claims 85 and 91 Under 35 U.S.C. §112, second paragraph

Claims 85 and 91 are rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Claims 85 and 91 have been cancelled, thereby obviating this rejection.

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***Rejection of Claims 85, 87, 89, 91, 93, 95, 113 and 115 Under 35 U.S.C. §112,
first paragraph***

Claims 85, 87, 89, 91, 93, 95, 113 and 115 are rejected under 35 U.S.C. §112, first paragraph, "as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Claims 85, 87, 89, 91, 93, 95, 113 and 115 have been cancelled, thereby obviating this rejection.

Enclosed is a check for the Petition for Extension of Time fee. Please apply a one-month Petition for Extension of Time fee and any other charges or credits to deposit account 06-1050 (reference 10448/184003).

Respectfully submitted,

Date: _____

Draft
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